

## **REMARKS**

Claims 1 is amended. Claims 1-70 are in the application for consideration.

Independent claim 1 stands rejected as being anticipated by U.S. Patent No. 5,387,533 to Kim. Claim 1 has been amended to recite that insulative sidewall spacers are received over opposing word line sidewalls facing the bit node. Claim 1 is further amended to recite that insulative material is deposited over the pair of word lines, the bit lines and the insulative sidewall spacers, and that it is this insulative material in which the bit node contact opening is formed over the bit node. Accordingly, independent claim 1 also recites that the sacrificial plugging material is formed within this bit node contact opening between the pair of word lines. Such is not shown nor suggested by Kim.

Specifically, Kim discloses what might allegedly be considered a sacrificial plugging material in its layer 28 and material 29. Accordingly, one or both of such materials might allegedly be considered as sacrificial plugging material. However if both in combination are considered as sacrificial plugging material in the context of Applicant's independent claim 1, no insulative material has been formed over the pair of word lines, the bit node and the insulative sidewall spacers through which a bit node contact opening over the bit node has been formed, followed by the formation of sacrificial plugging material within such a bit node contact opening. Further, if only material 29 of Kim is considered as "sacrificial

plugging material” in the context of Applicant’s claim 1, Kim’s insulative layer 28 is not the same as Applicant’s claim 1 recited “insulative material”. Specifically, Applicant’s amended claim 1 requires that a bit node contact opening be formed within the insulative material over the bit node, and no bit node contact opening is formed in either of Kim’s Figs. 4a and 4b, and accordingly, material 29 of Kim is not formed within the claim recited bit node contact opening formed within insulative material which has been deposited over a pair of word lines, the bit node and the insulative sidewall spacers.

As Applicant’s independent claim 1 recites something which is not found within the ‘533 Kim reference, the anticipation rejection thereof should be withdrawn, and action to that end is requested.

Independent claim 1 is also rejected as being anticipated by U.S. Patent No. 6,177,695 to Jeng. Independent claim 1 has been amended to recite the removing of sacrificial plugging material from the bit node contact opening which is received between conductive portions of the pair of word lines. Support for the same is inherent in Applicant’s application as-filed, for example, where Fig. 5 shows the removal of sacrificial material 46 received between conductive portions 13/15 of the pair of word lines 21 and 23. Jeng in no way discloses such. Specifically, material 51 of Jeng is doped silicon, material 52 is conductive, and material 53 is insulative. Further, material 21 of Jeng which caps its conductive word line portion 22 is electrically insulative silicon nitride. Col.5, Ins.22+ indicates that insulative oxide

material 61 in Fig. 2j is removed and substituted with a conductive material. However, note that there is no disclosure or teaching that any of remaining materials 51 and 52 are removed from between the pair of word lines at issue. Note also that none of material 61 is received between conductive portions 22 of the pair of word lines between which the storage node is received. Accordingly, Jeng does not remove sacrificial plugging material which is received between conductive portions of the pair of word lines, as material 61 is not received between such portions, and none of materials 51 and 52 is ever removed from between conductive portions 22 of such pair of word lines. Therefore, Applicant's independent claim 1 as amended recites something which is not shown by Jeng, and accordingly the anticipation rejection should be withdrawn. Action to that end is requested.

Independent claim 13 stands rejected as being anticipated by Jeng. Applicant disagrees and requests reconsideration. The Examiner is reminded that, if Applicant can point to one feature in claim 13 which is not disclosed by Jeng, the rejection must be withdrawn. Independent claim 13 recites that, after forming the bit line, sacrificial plugging material is removed from the capacitor node contact opening. Such does not occur in Jeng. Specifically, sacrificial plugging material 61 is the only material ever removed from the capacitor node contact openings, and such is shown as being removed in Fig. 2f, which is before (not "after" as claimed) a bit line in Fig. 2k is ever formed. Accordingly, Applicant's independent claim 13

recites something which is not shown by Jeng, and the anticipation rejection thereof should be withdrawn. Action to that end is requested.

Applicant's independent claim 23 also stands rejected as being anticipated by Jeng. Applicant disagrees and requests reconsideration.

Specifically, claim 23 recites commonly forming a bit node contact opening within insulative material over the bit node, a first peripheral contact opening with an insulative material over a first node in the peripheral circuitry area, and a second peripheral contact opening within insulative material over a second node in the peripheral circuitry area. In no way does Jeng disclose or suggest such "commonly forming" of such first peripheral contact opening and second peripheral contact opening with a bit node contact opening, as "commonly forming" has been defined by Applicant in paragraph 25 of its specification as-filed. Specifically, the contact openings of Fig. 2k within which its conductive material 111 is formed (material 41) do not even come into existence until after Fig. 2j, and as well are formed through another insulative material received over insulative material 41 that doesn't exist until after Fig. 2j.

The Examiner cites col.3, Ins.50+, which refers to thick oxide 41 being received over the peripheral circuit. However, the "contact" referred to in line 58 is only with reference to the contacts over the bit line and over the storage node contact (see col.3, Ins.58-65). Jeng simply does not disclose commonly forming a bit node contact opening, first peripheral contact opening and second peripheral contact opening in the manner Applicant

recites in independent claim 23. Thus, in no way could Jeng disclose or suggest processing pertaining thereto otherwise as recited in claim 23. Accordingly, the anticipation rejection of Applicant's independent claim 23 over Jeng should be withdrawn, and action to that end is requested.

Independent claim 35 also stands rejected as being anticipated by Jeng. Reconsideration is requested.

Specifically, claim 35 recites commonly forming a bit node contact opening, a first peripheral contact opening and a second peripheral contact opening. For reasons analogous to those argued above with respect to the allowability of claim 23, Jeng does not disclose such. Accordingly, claim 35 is not anticipated by Jeng and should be allowed. Action to that end is requested.

Applicant's claims 1-70 stand rejected as constituting obviousness-type double patenting over U.S. Patent No. 6,589,876 to Tran. Applicant disagrees and requests reconsideration.

With respect to claims 23-46 and 59-70, such require the recited "commonly forming" referred to above. However, Tran is not in any way interpreted to refer to or disclose processing relative to peripheral circuitry, and accordingly, the provisions with respect to timing and forming a bit node contact opening with first and second peripheral contact openings is not obvious by anything disclosed or claimed by Tran. With respect to claims 1-22, and 47-58, such recite replacing removed sacrificial plugging material from the bit node contact opening with conductive material, and

thereafter forming such into a bit line. Such in no way occurs, is disclosed, or is claimed in Tran. Specifically, conductive material 52 in Fig. 6 of Tran is not formed into a bit line, rather it is a subsequently deposited material 58 which is so formed. What Applicant everywhere claims is not obvious over what Tran claims. Accordingly, it is respectfully requested that the obvious-type double patenting with respect to Tran be withdrawn with respect to all claims pending in the application.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art. Action to that end is requested.

This application is believed to be in immediate condition for allowance, and action to that end is requested:

Respectfully submitted,

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